

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

WINSTON L. MCPHERSON, :  
Plaintiff, : Civil Action No. 07-6119 (SDW)  
: :  
v. : **ORDER**  
: (CLOSED)  
UNITED STATES OF AMERICA, :  
et al., :  
Defendants. : :

For the reasons expressed in the Court's Opinion filed  
herewith,

It is on this 31 st day of JULY , 2008,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), the  
application by plaintiff, Winston L. McPherson, to proceed in  
forma pauperis is hereby granted; and it is further

ORDERED that the Clerk of the Court is directed to file the  
Complaint without prepayment of the filing fee; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk  
shall serve a copy of this Order by regular mail on the Attorney  
General of the State of Pennsylvania and on the Warden at SCI  
Dallas, Pennsylvania, where plaintiff is currently confined; and  
it is further

ORDERED that plaintiff is assessed a filing fee of \$350.00  
which shall be deducted from plaintiff's prison account pursuant

to 28 U.S.C. § 1915(b) (2) in the manner set forth below, regardless of the outcome of the litigation; and it is further ORDERED that, pursuant to 28 U.S.C. § 1915(b) (2), until the \$350.00 fee is paid, each month that the amount in plaintiff's prison account exceeds \$10.00, the agency having custody of plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that the Complaint is DISMISSED WITH PREJUDICE, in its entirety, as against defendants, the United States of America, the State of New Jersey, and the Commonwealth of Pennsylvania, pursuant to 28 U.S.C. §§ 1915(e) (2) (B) (ii) and 1915A(b) (1), for failure to state a claim upon which relief may be granted; and it is further

ORDERED that the Complaint is DISMISSED WITHOUT PREJUDICE as against the remaining defendants, for failure to state a claim and/or because they are immune from suit, pursuant to 28 U.S.C. §§ 1915(e) (2) (B) (ii), (iii) and 1915A(b) (1) and (2).

/s/ SUSAN D. WIGENTON  
United States District Judge